IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5037 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AJITSINH LAXMANSINH SOLANKI

Versus

ADMINISTRATIVE OFFICER

Appearance:

MR PARESH UPADHYAY for Petitioner

MR SP HASURKAR for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/09/2000

ORAL JUDGEMENT

#. Rule. Mr.Hasurkar waives service of Rule on behalf of respondent No.2. So far as respondent No.1 is concerned, he is already served with notice and reply has also been filed. So no need to issue notice of Rule again to respondent No.1.

#. One of the contentions has been raised by learned counsel for the petitioner that the order impugned in this special civil application by which the benefits of higher pay scale given to the petitioner on completion of nine years' service have been taken back is passed without notice and opportunity of hearing to him. In reply to the special civil application though at page No.22, it is mentioned that the petitioner was given ample opportunity, this fact has been denied by petitioner by filing rejoinder thereto. The respondents have not produced any document whatsoever on the record that before passing of this order, notice has been given to the petitioner. So in view of this fact, it is difficult to accept what it is stated by the Administrative Officer in his affidavit at page No.22 that ample opportunity was given to the petitioner. As only on this short ground, this petition deserves to be accepted, no other contentions raised by learned counsel for the petitioner needs to be considered.

#. In the result, this special civil application succeeds and the same is allowed and the order dated 8.5.2000 is quashed and set aside. The respondents are free to pass fresh order after giving opportunity of hearing to the petitioner in accordance with law. Rule is made absolute accordingly. No order as to costs.

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(sunil)